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February 5, 2020

BY ECF

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Centre Street
New York, NY 10007

Re: Franklin McKenzie v. City of New York, et al.
17 Civ. 4899 (PAE)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, the attorney assigned to represent defendants in the above-referenced matter. For the reasons set forth below, defendants write to respectfully request to adjourn the jury trial scheduled to begin on April 13, 2020 to allow defendant Paul Catanzarita to participate in it. Plaintiff's attorney, Ryan Lozar, Esq. takes no position as to this request.

At the outset, defendants sincerely apologize to the Court and opposing counsel for failing to raise this scheduling conflict at an earlier date. However, the undersigned first became aware of defendant Catanzarita's unavailability on January 31, 2020.

By way of background, on November 19, 2019 at a case management conference, the Court set a briefing schedule for defendant City of New York's motion for summary judgment on plaintiff's Monell Claim and scheduled a jury trial to begin on April 13, 2020. (See ECF No. 101.) After defendant City of New York filed and served its moving papers on December 4, 2019, the undersigned attempted to contact the individual defendants to inform them of the April 13th trial date. While the undersigned was able to convey the trial date to defendant Francis Twum in December of 2019, the undersigned was not able to reach defendant Paul Catanzarita. After multiple unsuccessful attempts to contact him were made, the undersigned was informed that defendant Catanzarita was out on medical leave but was expected to return well before April 13, 2020. On January 31, 2020, the undersigned finally spoke to defendant Catanzarita and learned that he was involved in a near fatal car accident on November 27, 2019 and returned to work on January 21, 2020. However, defendant Catanzarita also

informed the undersigned that he is scheduled to take a vacation from April 11, 2020 to April 20, 2020. During this scheduled vacation defendant Catanzarita will be travelling outside of the jurisdiction with his immediate family.

As such, defendants respectfully request an adjournment¹ of the jury trial to a later date. The parties have conferred and are available to begin trial on any date starting April 21 through the month of May, as well as June 22-26. This is defendants' first request to adjourn the jury trial scheduled to begin on April 13, 2020.

Thank you for your consideration request.

Sincerely yours,

Bilal Haider /s

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cc: Ryan Lozar, Esq. (via ECF)
Counsel for plaintiff

The Court denies the City's request to adjourn the trial, which will go forward, as long scheduled, on April 13, 2020. Plaintiff has a right to have his claims adjudicated timely, and defendant Catanzarita had no business scheduling a vacation in conflict with the trial date, which has been set since November 19, 2019. The Court orders defendant Catanzarita to attend the trial in person. Following Catanzarita's anticipated trial testimony, the Court will then entertain an application for him to be excused from further attendance. SO ORDERED.

Paul A. Engelmayer
PAUL A. ENGELMAYER 2/6/2020
United States District Judge

¹ The parties discussed the possibility of defendants requesting to advance the jury trial to April 6th, a trial date that was previously considered by the Court. However, both parties are not available to commence trial on that date.